

REMARKS

General:

Claims 1-20 were pending in the application before this amendment. Claims 1, 2, 7-12, and 17-20 stand rejected. Claims 3-6 and 13-16 stand objected to. Claims 1, 3, 7-9, 11, 13, 17, 19, and 20 have been amended as discussed below.

Support for the amendment to claims 1 and 11 is found at least in original claims 3 and 13. The amendments to claims 3 and 13 are merely consequential.

Support for the amendments to claims 7, 8, 9, 17, 19, and 20 is found expressly or implicitly in the original text of those claims or of claims from which they depend.

No new matter has been added by this amendment.

35 U.S.C. § 112 rejections:

Claims 7-10 and 17-20 stand rejected as being allegedly indefinite, on the ground that certain language in claims 7, 8, 9, 17, 19, and 20 allegedly lacks antecedent basis. The language of the claims has been amended, and this rejection is believed not to apply to the claims as now presented.

35 U.S.C. § 102 rejections:

Claims 1 and 11 stand rejected as allegedly anticipated by U.S. Patent No. 5,060,367 (Vandevoorde). The rejection is traversed as to the claims now presented. The transfer elements in Vandevoorde follow a circular path. Claims 1 and 11, as now presented, incorporate the feature of previous claims 3 and 13 (which were not rejected over Vandevoorde) that the transfer elements effect an ascending and descending movement. There is no disclosure or suggestion of that feature in Vandevoorde, and claims 1 and 11, as now presented, are believed to be not only new but also non-obvious over Vandevoorde.

The applicants are familiar with the apparatus of Vandevoorde, which has overlapping inventorship with the present application and is commonly assigned. The apparatus of

Vandevoorde has been successful, but it has certain disadvantages, and is somewhat complex. Note, in particular, the sleeve 21 at top left of the wheel 3 (immediately below the wheels 17₆ and 17₇) in FIG. 2, which is visibly deflected because the circular motion of wheel 3 cannot be perfectly synchronized with the straight movement of belt 18. A similar problem will affect the synchronization between wheel 3 and bottle conveyor 4. Note also the mechanism at 17₃, 17₄, 17₅, to cause the carriages 8 to pause as they collect their sleeves.

The presently claimed apparatus, in contrast, allows many of these disadvantages to be eliminated or greatly mitigated. The movement of the transfer elements 61, 71 on ascending and descending tracks makes possible the inclined movement described on page 12, in which the movement of the transfer elements relative to the bottles is exactly vertical with the bottles moving at a constant speed. That is impossible with the steadily rotating wheel of Vandevoorde. The separate movement of one pair of transfer elements 61 from the other pair 71 makes it possible for each pair to move at a cyclically varying speed so that, for example, the speed at the point where the transfer elements pick up a sleeve can be regulated independently of the speed at the point where the transfer elements place the sleeve on a bottle. That was possible in Vandevoorde only by using a complex mechanism to interrupt the constant movement of carriage 8 on belt 18.

Claims 1 and 11, as now presented, are therefore believed to be allowable over Vandevoorde.

35 U.S.C. § 103 rejections:

Claims 2 and 12 were rejected as allegedly obvious over Vandevoorde. Claims 2 and 12 are dependent from claims 1 and 11 and, without prejudice to their individual merits, are believed to be allowable over Vandevoorde for at least the same reasons as claims 1 and 11.

The status of dependent claims 7, 8, 19, and 20 relative to the prior art does not seem to be specified in the Office action. Without prejudice to their individual merits, claims 7, 8, 19, and 20 are believed to be allowable over Vandevoorde for at least the same reasons as claims 1 and 11.

Allowable subject matter:

The Examiner's indication that claims 3-6, 9, 10, and 13-18 define allowable subject matter is acknowledged with appreciation.


Conclusion:

In view of the foregoing, the application is believed to be in condition for allowance. Withdrawal of all rejections, and an early notice of allowance of claims 1-20 as now presented, are earnestly solicited.

Respectfully submitted,

JEAN-CLAUDE VANDEVOORDE *ET AL.*

BY:


HENRY BLANCO WHITE
Registration No. 47,350
Drinker, Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996
Tel: 215-988-3301
Fax: 215-988-2757
Attorney for ApplicantS